

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

In re:)	
)	C/A No. 3:06-0803-MBS
Carroll Veltrmann, C. Veltrmann,)	
)	
Debtors.)	
)	
)	
C. Veltrmann,)	
)	O R D E R
Appellant,)	
vs.)	
)	
W. Clarkson McDow, Jr., United States)	
Trustee, Region Four,)	
)	
Appellee.)	
_____)	

C. (Carl) Veltrmann filed a pro se notice of appeal of an order of the Honorable John E. Waites of the United States Bankruptcy Court dismissing the joint Chapter 11 bankruptcy case of Appellant and Carroll Veltrmann. On March 15, 2006, the United States Trustee filed a motion to dismiss the appeal as untimely. On April 4, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Appellant of the dismissal procedures and the possible consequences if he failed to respond adequately. Appellant filed no response to the motion. On May 17, 2006, Appellant was instructed to advise the court whether he wished to continue his appeal. Appellant did not respond to the order.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On June 8, 2006, the Magistrate Judge issued a Report and Recommendation in which he recommended that the Trustee's motion to dismiss be granted. Appellant filed no response to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the Trustee's motion to dismiss is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 30, 2006

NOTICE OF RIGHT TO APPEAL

Appellant is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.